IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION NO.387 OF 2007

IN

CRIMINAL APPEAL NO.1101 OF 2004

Tanaji Shamrao Nalawade : Applicant.

versus

The State of Maharashtra : Respondent.

Mr.Sudatta Patil, advocate appointed, for the applicant.

Mr.A.S.Shitole, APP, for the State.

CORAM : D.G.DESHPANDE

SMT.NISHITA MHATRE, JJ.

DATED : MAY 04, 2007.

P.C.

1. This is an application for temporary bail through jail. We have appointed learned Advocate Mr.Sudatta Patil to represent the accused. Papers from Sassoon Hospital, Pune were called

for. The accused/applicant was already operated upon for illness, but according to him, he has no relief and he wants to take treatment privately. Advocate for the accused states that when the accused was earlier on bail, he surrendered himself in time and, there is no adverse report about that. It appears from the case papers of Sassoon Hospital that a surgery was urgently needed to save the life of prisoner. It is true that the report is old one but looking to the nature of illness it is desirable to give an opportunity to the accused to take treatment privately. However, when questioned, the advocate for the accused, upon instructions, states that the accused would not be asking temporary bail again and again on the same ground and he agrees that after the accused takes treatment privately, thereafter he will get whatever treatment required from the doctors attached to Kolhapur jail or at Sassoon Hospital, Pune, if so recommended. We accept the statement and pass the following order :-

:ORDER:

Application is allowed.

The applicant/accused be released on his P.R. bond of Rs.7,500/- with one solvent surety in the like amount for a period of three weeks from the date of release.

This facility is granted to him on humanitarian ground for taking treatment privately.

When he surrenders to the jail authority after three weeks, he should give papers of treatment taken by him during this period to the jail authorities.

The jail authority should send report of this Court thereafter.

Application is disposed of accordingly.

[SMT.NISHITA MHATRE, J] **[D.G.DESHPANDE,J]**